

## City Council

### Motion without Notice

MM11.38	ACTION			Ward: 5
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**Authority to Accept New Streets - West Park Healthcare Centre Subdivision - 82 Buttonwood Avenue - by Councillor Frances Nunziata, seconded by Councillor Vincent Crisanti**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

### Recommendations

Councillor Frances Nunziata, seconded by Councillor Vincent Crisanti, recommends that:

1. City Council exempt the lands comprising the future streets within the draft plan of subdivision associated with the West Park Healthcare Centre redevelopment (Subdivision Application No. 16 190083WET 11 SB) and identified as West Park Drive and Recovery Road from the application of Section 5.4.5.1 and 5.4.5.3 of the Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act (2015), such that the City will accept the conveyance of the proposed streets upon registration of the plan subject to the special equipment and monitoring requirements for potential methane presence pursuant the Ministry of the Environment, Conservation and Parks Certificate of Property Use (4715-BWDHLT) affecting and lands.
2. City Council deem the ongoing Certificate of Property Use requirements not to be an encumbrance against the proposed new streets for the purpose of registration of the plan of subdivision approved pursuant to Application No. 16 190083WET 11 SB and associated with the West Park Healthcare Centre redevelopment.

### Summary

A new West Park Healthcare Centre facility is currently under construction and near completion at 82 Buttonwood Avenue as contemplated in City site specific By-laws 1001-2010 and 837-2017 together with a related Section 37 Agreement, as amended. Application for a plan of subdivision was also submitted within a portion of the hospital lands which has been approved and a Subdivision Agreement entered into with the City. The new roads and services have now been constructed. Both the Section 37 Agreement and the Subdivision Agreement contemplate registration of the plan of subdivision prior to occupancy of the new facility. The hospital is seeking to satisfy all contractual requirements and achieve occupancy in November 2023.

In accordance with City environmental requirements, a risk assessment was undertaken relating to the roads and certain remediation works were undertaken during the construction process. A City Peer Reviewer was assigned. The Ministry of Environment, Conservation and Parks has issued a Certificate of Property Use (4715-BWDHLT) relating to the new streets within the

plan of subdivision (West Park Drive and Recovery Road). The Certificate of Property Use requires use of special personal protective equipment and monitoring requirements for potential methane presence during breach of capped areas. The City will take ownership of the street lands upon registration of the plan of subdivision free and clear of encumbrances. The Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act (2015), permits certain standard requirements in a Certificate of Property Use but Policies 5.4.5.1 and 5.4.5.3 do not permit the nature of Certificate of Property Use requirements contemplated.

The Ministry of Environment, Conservation and Parks has concluded there is potential presence of methane based on the information contained in Ontario Waste Disposal Site inventory, which identified the historical Eglinton Flats landfill located on the northwest and southeast corners of Eglinton Avenue and Jane Street. The City currently does not have records to confirm the existence of a former landfill in the area. The environmental consultant reported no methane was detected based on testing undertaken. Further testing is recommended to confirm the presence of methane and potential methane migration.

Transportation Services, in consultation with Engineering and Construction Services, is recommending that relief be granted from Policies 5.4.5.1 and 5.4.5.3 to permit the plan of subdivision to be registered and the City to take ownership of the streets identified. It is proposed that additional conditions of approval will be incorporated into the Subdivision Agreement relating to the Certificate of Property Use obligations and compilation of further data by the owner prior to the City assumption of the roads. The alternative to the policy exemption is to require the owner to delay registration to conduct a further in-depth investigation and submit a report to The Ministry of Environment, Conservation and Parks with a request to amend the Certificate of Property Use.

In the interest of avoiding potential delay to the registration of the plan of subdivision and scheduled occupancy of the new hospital facility in November 2023, the recommendations in this motion seek what is considered a reasonable exemption from the policy in this circumstance and authority to exempt the Certificate of Property Use from being considered an encumbrance for the purposes of registration of the plan of subdivision.

This motion is urgent because the hospital is scheduled to take occupancy in November 2023, which is contingent upon the approval of this exemption.

### **Background Information (City Council)**

Member Motion MM11.38